

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT 2

Monday, July 11, 2005, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - June 9 and 13, 2005.

PUBLIC HEARING - 7:00 p.m. - Superior Street, 38th to 40th avenues West, street construction assessment (05-0456R).

PUBLIC HEARING - 7:00 p.m. - DTA fare increase (05-0483R).

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The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 05-0711-01 Scott J. Andrews, et al. (eight signatures), submitting petition to construct 1,360 lineal feet of low pressure sanitary sewer within West Morgan Street beginning at the intersection of Joshua Avenue and extending westerly. -- Assessor

* 05-0711-02 Proctor public schools submitting request to purchase three tracts of land in Bay View municipal school forest. -- Administration

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REPORTS OF OFFICERS

* 05-0711-03 Assessor submitting:
(a) Affidavit of mailing of notice of public hearing in the City Council Chambers, third floor, City Hall, Monday, July 11, 2005, at 7:00 p.m. regarding the proposed street improvement for Superior Street from 38th to 40th avenues West. -- Clerk

(b) Confirmation of assessment roll to be levied to defray in full the expense of solid waste collection during the period March 1, 2004, to June 1, 2005, for which the collector has not been reimbursed;

(c) Letters of sufficiency regarding petitions to:

(1) Construct 100 lineal feet of eight inch PVC sanitary sewer main in Blackman Avenue;

(2) Vacate the alley in Blocks 69, 70, 71 and 72, Oneota

(3) Vacate a ten foot utility easement in Lots 8-20, Boehms Tracts First Addition.

-- Received

* 05-0711-04 Community development division manager submitting community development program performance report from April 1, 2004, to March 31, 2005. -- Received (E-MAILED)

* 05-0711-05 Facilities management submitting rental agreement with Jessica S. Nickel for the residential dwelling unit located within the Wheeler Fieldhouse, pursuant to Duluth City Code Section 2-35. -- Mayor for execution.

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REPORTS OF BOARDS AND COMMISSIONS

05-0711-06 Duluth airport authority balance sheet of April 30, 2005. -- Received

* 05-0711-07 Library board minutes of May 24, 2005, meeting. -- Received (E-MAILED)

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan (5/28/2002)
- Planned unit development (5/28/2002)
- Canal Park parking ramp (11/21/2002)
- Bayfront master plan (12/16/2002)
- ISD 709 (7/10/2003)
- Retiree benefits (4/12/2004)

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0325R - RESOLUTION AFFIRMING A DECISION OF THE BOARD OF ZONING APPEALS TO RELAX THE 380 SQUARE FEET OF LOT AREA PER UNIT REQUIREMENT TO 300 SQUARE FEET, THE FRONT AND REAR YARD SETBACKS REQUIREMENTS FROM 36 FEET TO FIVE FEET FRONT AND 15 FEET, SIX INCHES REAR, THE SIDE YARD SETBACK REQUIREMENTS FROM 36 FEET TO THREE FEET, TEN INCHES AND ONE FOOT, THE MINIMUM PARKING REQUIREMENT FROM 47 SPACES TO 13 SPACES FOR THE DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW 70-UNIT BUILDING CONSISTING OF 40 EFFICIENCY UNITS AND 30 SINGLE ROOM OCCUPANCY UNITS (230 WEST THIRD STREET). (TABLED 6/13)

05-0326R - RESOLUTION REVERSING A DECISION OF THE BOARD OF ZONING APPEALS TO RELAX THE 380 SQUARE FEET OF LOT AREA PER UNIT REQUIREMENT TO 300 SQUARE FEET, THE FRONT AND REAR YARD SETBACKS REQUIREMENTS FROM 36 FEET TO FIVE FEET FRONT AND 15 FEET, SIX INCHES REAR, THE SIDE YARD SETBACK REQUIREMENTS FROM 36 FEET TO THREE FEET, TEN INCHES AND ONE FOOT, THE MINIMUM PARKING REQUIREMENT FROM 47 SPACES TO 13 SPACES FOR THE DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW 70-UNIT BUILDING CONSISTING OF 40 EFFICIENCY UNITS AND 30 SINGLE ROOM OCCUPANCY UNITS (230 WEST THIRD STREET). (TABLED 6/13)

BY PRESIDENT NESS AND COUNCILOR ATKINS

05-0460R - RESOLUTION ESTABLISHING A TASK FORCE ON RETIREE HEALTH INSURANCE. (TABLED 6/27)

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0447R - RESOLUTION REQUESTING THE CHARTER COMMISSION TO EXAMINE PROCEDURE FOR TAX INCREMENT FINANCING. **(REPLACEMENT 3)** (TABLED 6/27)

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0397R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN WEST DULUTH ON AUGUST 5, 2005, IN CONJUNCTION WITH SPIRIT VALLEY DAYS AND SUBJECT TO CERTAIN CONDITIONS.

05-0448R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES. **(REPLACEMENT)**

05-0449R - RESOLUTION APPROVING THE 60 DAY WAIVER OF AN EXEMPT PERMIT FOR A RAFFLE LICENSE OF THE DULUTH PLAYHOUSE.

05-0450R - RESOLUTION APPROVING THE ISSUANCE OF LAWFUL GAMBLING PREMISE PERMITS TO ADOPT (A DENFELD ORGAN PROJECT), CONGDON PARK RECREATIONAL ASSOCIATION AND OWLS CLUB #1200.

05-0453R - RESOLUTION AUTHORIZING PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES ON JULY 13 AND 15, 2005, IN CONJUNCTION WITH DOWNTOWN SIDEWALK DAYS.

05-0471R - RESOLUTION ISSUING A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO NORTHLAND VIETNAM VETERANS ASSOCIATION, BAYFRONT PARK.

05-0472R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO COPASETIC SOFTBALL TEAM, WHEELER FIELD.

05-0473R - RESOLUTION AWARDED CONTRACT TO CHESLEY AND SONS FOR PHASE II CITY HALL EXTERIOR RENOVATION IN ACCORDANCE WITH SPECIFICATIONS ON ITS LOW SPECIFICATION BID OF \$178,528.00.

05-0476R - RESOLUTION AWARDED CONTRACT TO THANE HAWKINS POLAR CHEVROLET FOR ONE PICKUP TRUCK IN THE AMOUNT OF \$27,169.74

BY COUNCILOR JOHNSON (PERSONNEL)

05-0477R - RESOLUTION APPROVING PROPOSED SPECIFICATIONS FOR THE NEW CIVIL SERVICE CLASSIFICATION OF LABOR RELATIONS SPECIALIST AND SPECIFYING CONTRACT BENEFITS FOR SAME.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0457R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND LOCATED EAST OF THE LAKEWALK EAST GATE AT 20TH AVENUE EAST AND WATER STREET FOR THE EXTENSION OF LAKEWALK.

05-0458R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO DON PROULX FOR AN ASSISTED LIVING FACILITY FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HAINES ROAD AND MORRIS THOMAS ROAD.

05-0465R - RESOLUTION VACATING WESTERLY 46 FEET OF UTILITY EASEMENT LOCATED WITHIN VACATED 31ST AVENUE WEST, BETWEEN HELM STREET AND WEST MICHIGAN STREET; AND VACATING PLATTED ALLEY LOCATED BETWEEN HURON STREET AND WEST MICHIGAN STREET, BETWEEN 31ST AVENUE WEST AND 32ND AVENUE WEST.

05-0480R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR STREET AND UTILITY PURPOSES LOCATED EAST OF ROBIN AVENUE BETWEEN PALM STREET AND THE ALLEY NORTH.

05-0481R - RESOLUTION GRANTING AN AMENDMENT TO A SECTION 50-38 SPECIAL USE PERMIT ISSUED FEBRUARY 14, 2005, TO MARK LAMBERT OF SUMMIT MANAGEMENT, LLC, FOR CAMPUS PARK II, A COMMON INTEREST COMMUNITY DEVELOPMENT ON 31 ACRES, LOCATED NORTH OF DAVIS STREET, EAST OF CONNECTICUT AVENUE AND SOUTHWEST OF RICE LAKE ROAD.

BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)

05-0462R - RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ST. LOUIS AND LAKE COUNTIES REGIONAL RAILROAD AUTHORITY FOR EXCLUSIVE USE OF MUNICIPAL LOT D FOR THE PERIOD JUNE 1, 2005, THROUGH SEPTEMBER 30, 2005, AT NO COST TO AUTHORITY.

05-0463R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JOHNSON INSURANCE CONSULTANTS TO PROVIDE EMPLOYEE BENEFIT CONSULTING SERVICES DURING THE YEAR 2005 AT A COST NOT TO EXCEED \$13,200.

05-0470R - RESOLUTION ACCEPTING A FIVE YEAR EXTENSION TO ARMY CORPS OF ENGINEERS LICENSE NO. DACW22-3-85-3007, WHICH AUTHORIZED THE PLACEMENT OF A TRANSFORMER PAD BETWEEN THE PIERS OF THE DULUTH AERIAL LIFT BRIDGE.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0479R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MOSS AND BARNETT RELATED TO THE CABLE FRANCHISE RENEWAL PROCESS.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0464R - RESOLUTION AMENDING RESOLUTION 05-0435 FOR A CONTRACT TO HOVLAND, INC., FOR SANITARY AND STORM MANHOLE ADJUSTMENT PROGRAM IN THE AMOUNT OF \$67,300.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0468R - RESOLUTION ESTABLISHING THE CUSTOMER CHARGE AND USER CHARGES FOR THE CITY'S WASTEWATER FACILITIES EFFECTIVE WITH METER READINGS AFTER AUGUST 1, 2005; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES AND DESIGNATING THAT THE RATES INCREASE INCREMENT BE USED ONLY FOR THE REPLACEMENT AND REHABILITATION OF SANITARY SEWER INFRASTRUCTURE.

05-0469R - RESOLUTION ESTABLISHING FIXED CHARGE WATER RATES EFFECTIVE WITH METER READINGS AFTER AUGUST 1, 2005; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES; AND DESIGNATING THAT THE RATE INCREASE INCREMENT BE USED ONLY FOR REPLACEMENT AND REHABILITATION OF WATER SYSTEM INFRASTRUCTURE.

05-0474R - RESOLUTION AWARDED CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR 2005 CITYWIDE STREET PATCH AND SIDEWALK REPAIRS PROGRAM, IN THE AMOUNT OF \$327,215.00.

05-0475R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC., FOR ENGINEERING SERVICES TO REHABILITATE AND RECONSTRUCT FOUR LIFT STATIONS ESTIMATED AT \$95,366.00.

05-0478R - RESOLUTION AWARDED CONTRACT TO TECH SALES COMPANY, FOR FLOW LOGGER EQUIPMENT, IN THE AMOUNT OF \$13,717.20.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0451R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY, TO OPERATE A REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE/CHEMICAL ASSESSMENT TEAM IN THE AMOUNT OF \$90,000.

05-0452R - RESOLUTION ACCEPTING GRANT NO. EMW-2003-FP-01945 FOR \$38,800 FROM DEPARTMENT OF HOMELAND SECURITY FOR COSTS OF LAPTOP COMPUTERS, SUBJECT TO MATCHING FUNDS.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0467R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH AMATEUR YOUTH BASKETBALL ASSOCIATION PROVIDING FOR THE ASSOCIATION'S USE OF THE WASHINGTON RECREATION CENTER FOR ITS PROGRAM ACTIVITIES.

05-0486R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH DR. MARY WICTOR TO PROVIDE VETERINARY HEALTH CARE FOR ANIMALS, NOT TO EXCEED \$40,000.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0347R - RESOLUTION UPHOLDING THE DULUTH PLANNING COMMISSION'S DENIAL OF A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JACOB KAPSNER FOR TWO 8,000 SQUARE-FOOT LOTS AT 2810 AND 2814 MINNESOTA AVENUE (KAPSNER/TAMBURRO).

05-0348R - RESOLUTION REVERSING THE DULUTH PLANNING COMMISSION'S DENIAL OF A WATER RESOURCES MANAGEMENT ORDINANCE VARIANCE TO JACOB KAPSNER FOR TWO 8,000 SQUARE-FOOT LOTS AT 2810 AND 2814 MINNESOTA AVENUE (KAPSNER/TAMBURRO).

05-0421R - RESOLUTION DENYING THE VACATING OF 18TH STREET SOUTH BETWEEN MINNESOTA AVENUE AND LAKE AVENUE (SELINSKI).

05-0422R - RESOLUTION VACATING 18TH STREET SOUTH BETWEEN MINNESOTA AVENUE AND LAKE AVENUE ON PARK POINT (SELINSKI).

NEW 05-0488R - RESOLUTION CLARIFYING RESOLUTION 05-0454 REGARDING LIVING WATER GARDEN.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0446R - RESOLUTION ADOPTING DULUTH SURFACE WATER MANAGEMENT GOALS AND POLICY STATEMENTS.

05-0456R - RESOLUTION ORDERING THE IMPROVEMENT OF SUPERIOR STREET FROM 38TH TO 40TH AVENUE WEST AND 38TH AVENUE WEST FROM MICHIGAN STREET TO SUPERIOR STREET (CITY JOB NO. 0427TR) AT AN ESTIMATED COST OF \$525,000.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0483R - RESOLUTION INCREASING PASSENGER FARE FOR DULUTH TRANSIT AUTHORITY.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances are to be read for the first time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-029-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE; ADDING A NEW ARTICLE XXXII GOVERNING A HOUSING INVESTMENT FUND.

05-030-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF LOT 10, BLOCK 117, AND LOT 10, BLOCK 118, WEST DULUTH SECOND DIVISION, TO THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) FOR \$9,375.

The following entitled ordinances are to be read for the second time:

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-025-O - AN ORDINANCE GRANTING TO AQUILA, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO TRANSPORT, DISTRIBUTE AND SELL GAS IN A PORTION OF DULUTH AND TO USE THE STREETS, AVENUES AND ALLEYS FOR THAT PURPOSE.

05-027-O - AN ORDINANCE AMENDING CHAPTER 33 OF THE DULUTH CITY CODE, 1959, AS AMENDED; RELATING TO PARKING-HANDICAPPED ACCESS; PROVIDING CLEAR AREA.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-026-O - AN ORDINANCE AMENDING CHAPTER 35-25(k) OF THE DULUTH CITY CODE, 1959, AS AMENDED; TO AUTHORIZE THE CONSUMPTION OF INTOXICATING LIQUOR AT THE ENGER PARK GOLF COURSE.

COUNCILOR QUESTIONS AND COMMENTS
